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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,964	02/13/2002	Duncan Kerr	APL1P215/P2698	9251
22434	7590	04/20/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP			TON, ANABEL	
P.O. BOX 778			ART UNIT	
BERKELEY, CA 94704-0778			PAPER NUMBER	
			2875	

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

my

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/075,964	KERR, DUNCAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anabel M Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 34-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-31 and 56-74 is/are allowed.
- 6) ☒ Claim(s) 32, 52 and 75-77 is/are rejected.
- 7) ☒ Claim(s) 34-51, 53-55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: Claim recites "an illuminable housing capable of being illuminated by light" in line 2. Applicant ends claim with "to significantly alter the ornamental appearance of the computing device". It is suggested to the applicant that this statement be modified to include that the ornamental appearance of the "housing of the computing device" is being altered as opposed to the computing device itself since as shown in the respective figures depicting the housing of the computing device, the computing device, as understood are the internal working parts of the computer, not the housing (which is what is being ornamentally modified by the lighting device). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 32, 52 and 75-77 are rejected under 35 U.S.C. 102(e) as being anticipated by An et al (6,494,593).

4. An discloses a computer system having a housing for enclosing at least one component of the computer system(100), the housing having a light passing wall(800), the computer system comprising: a light source disposed inside the housing(fig 3), the light source being configured to generate light; and a light controller operatively coupled to the light source (abstract,40) the light source controller being configured to control the light source so as to illuminate at least a portion of the light passing wall of the housing (on/40 switch controls light source to illuminate or not, light source illuminates at least a portion of the light passing wall, fig. 1) with the light generated by the light source the light source being dedicated to illuminating the light passing wall.

- A general purpose computer having the ability to alter its ornamental appearance, the general purpose computer comprising: housing(100) a computer component disposed inside the housing a light arrangement disposed inside the housing( figs 2,3), the light arrangement being configured to illuminate a substantial portion of the housing (800) so as to significantly alter the ornamental appearance of the housing.
- The chameleonic electronic device comprising: a housing configured to form a protective external covering for the chameleonic electronic device (100), and capable of providing luminance(figs 2-3), and a control means for adjusting the luminance of the housing (40).
- An electronic device, comprising a housing configured to define the outer peripheral form of the electronic device; a distinct first component disposed inside the housing and capable of inputting or outputting information associated

with the operation of the electronic device (processor); and a user controlled (40) light source disposed inside the housing (figs 2,3) and capable of colorizing (white light to surface 800) the surface of the housing in order to effect the ornamental appearance of the electronic device.

- The computing device as recited in claim 66 wherein the illuminable wall helps to structurally support the internal components of the computing device in their assembled position (100)
- within the enclosure and wherein the illuminable wall is formed from a translucent or semi translucent material (800).

***Allowable Subject Matter***

5. Claims 1-31,56-74 are allowed.

6. Claims 34-51,53-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not disclose a controllable light emitting device enclosed by the computer housing, the light emitting device being configured to produce an adjustable light effect.

### ***Response to Arguments***

8. Applicant's arguments filed 01/08/04 have been fully considered but they are not persuasive. Applicant argues that An does not teach the light source being dedicated to illuminating the light passing wall, the light is not dedicated to illuminating the logo 800, but rather to providing illumination to the LCD unit. The examiner disagrees since the LCD forms the wall 800 and illuminates the section of the wall, 800 (albeit a logo, but still part of the wall). As recited by applicant in claim 32 "to illuminate at least a portion of the light passing wall of the housing", which is the function of the logo section 800 in the An reference. Applicant argues that claim 52 teaches over the An reference since "by substantial and significant, it is meant that the area of illumination is larger enough to effect the overall appearance of the device". As seen in figure 5 of the An reference, the lit portion 800 with respect to the front portion of the housing 100 is a substantial portion of the housing, and the illuminated logo, which is part of the housing, is considered to significantly alter the ornamental appearance of the housing, since the logo portion of the housing wall is illuminated.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/075,964  
Art Unit: 2875

Page 7

AMT

Anabel M Ton  
Examiner  
Art Unit 2875

  
Stephen Husar  
Primary Examiner